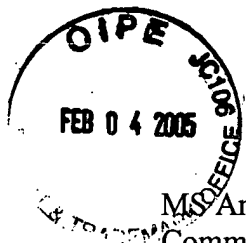


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* Admitted in TX only
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February 2, 2005

Re: U.S. Patent Application No.: 10/840,181
For: *MEDICATED INK MARKER*
Inventors: Steve Herweck, *et al.*
Filed: May 5, 2004
Our Ref. No.: ATA-395

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

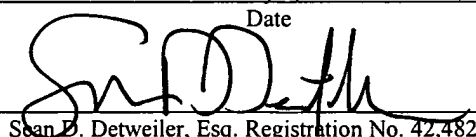
1. Information Disclosure Statement;
2. PTO Form SB/08;
3. Copies of selected references cited in PTO Form SB/08 (6); and
4. A Return Postcard.

No additional costs are believed to be due in connection with the filing of this Information Disclosure Statement. However, please charge any necessary fees in connection with the enclosed statement to our Deposit Order Account No. 12-0080. For this purpose, a duplicate of this sheet is attached.


I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on:

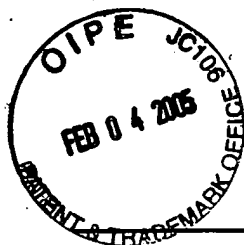
February 2, 2005

Date


Sean D. Detweiler, Esq. Registration No. 42,482

Respectfully submitted,
LAHIVE & COCKFIELD, LLP


Sean D. Detweiler, Esq.
Registration No. 42,482
Attorney for Applicants



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Steve Herweck

Serial No.: 10/840,181

Filed: May 5, 2004

For: *MEDICATED INK MARKER*

Attorney Docket No.: ATA-395

Group Art Unit: 3761

Examiner: Not Yet Assigned

MS Amendment
Commissioner for Patents
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February 2, 2005

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By: 

Sean D. Detweiler, Esq.
Registration No. 42,482
Attorney for Applicants

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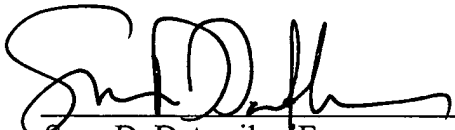
Dear Sir:

Applicant and his Attorney are aware of the following publications and information, listed on the attached PTO Form SB/08, and in accordance with 37 CFR §1.97 hereby submit these publications for the Examiner's consideration. A copy of each cited publication is enclosed. Copies of cited U.S. patents and U.S. publications (Reference ID Nos. A1-A40, B1-B21) are not enclosed with this statement. Copies of non-patent literature (Reference ID Nos. C1-C6) are enclosed in accordance with 37 CFR 1.98.

This statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed *per se* as a representation that such publication is prior art. Moreover, Applicant understands that the Examiner will make an independent evaluation of the cited publications.

Under 37 CFR § 1.97(b)(3), no additional costs are believed to be due in connection with the filing of this disclosure. If, however, a first Office Action on the merits issues in this application bearing a mailing date prior to the date of this Information Disclosure Statement, please charge the appropriate fee as required under 37 CFR §1.17(p) to our Deposit Order Account No. 12-0080.

Respectfully submitted,
LAHIVE & COCKFIELD, LLP



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KJC/SDD/les
Enclosures



PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/840,181
				Filing Date	May 5, 2004
				First Named Inventor	Steve Herweck
				Art Unit	3761
				Examiner Name	Not Yet Assigned
Sheet	1	of	3	Attorney Docket Number	ATA-395

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A1	3,721,726	03-20-1973	Schwartzman	
	A2	4,054,883	10-18-1977	Ozone	
	A3	4,100,549	07-11-1978	Hubbard	
	A4	4,228,028	10-14-1980	Lin	
	A5	4,318,626	03-09-1982	Bok	
	A6	4,592,745	03-03-1986	Rex, <i>et al.</i>	
	A7	4,865,591	09-12-1989	Sams	
	A8	4,924,773	05-15-1990	Gwilliam	
	A9	4,952,419	08-28-1990	DeLeon, <i>et al.</i>	
	A10	4,969,765	11-13-1990	Nagai	
	A11	5,082,386	01-21-1992	Kironaka, <i>et al.</i>	
	A12	5,279,585	01-18-1994	Balkwill	
	A13	5,279,586	01-18-1994	Balkwill	
	A14	5,445,616	08-29-1995	Kratoska, <i>et al.</i>	
	A15	5,516,781	05-14-1996	Morris, <i>et al.</i>	
	A16	5,549,575	08-27-1996	Giambattista, <i>et al.</i>	
	A17	5,569,214	10-19-1996	Chanoch	
	A18	5,582,598	12-10-1996	Chanoch	
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	A21	5,702,759	12-30-1997	White, <i>et al.</i>	
	A22	5,720,563	02-24-1998	Nakagawa	
	A23	5,725,508	03-10-1998	Channoch, <i>et al.</i>	
	A24	5,743,899	04-28-1998	Zinreich	
	A25	5,827,232	10-27-1998	Channoch	
	A26	5,838,350	11-17-1998	Newcombe, <i>et al.</i>	
	A27	DES 407487	03-30-1999	Greubel, <i>et al.</i>	
	A28	5,894,841	04-20-1999	Voges	
	A29	5,904,430	05-18-1999	Alessi	
	A30	5,921,966	07-13-1999	Bendek, <i>et al.</i>	
	A31	5,925,021	07-20-1999	Castellano, <i>et al.</i>	
	A32	5,947,624	09-07-1999	Davignon	
	A33	5,957,896	09-28-1999	Bendek, <i>et al.</i>	
	A34	5,960,802	10-05-1999	Sakai	
	A35	5,961,495	10-05-1999	Walters, <i>et al.</i>	
	A36	5,964,931	10-12-1999	Korper	
	A37	5,967,688	10-19-1999	Hu	
	A38	5,984,894	11-16-1999	Poulsen, <i>et al.</i>	
	A39	6,001,082	12-14-1999	Dair, <i>et al.</i>	
	A40	6,010,263	01-04-2000	White, <i>et al.</i>	
Examiner Signature				Date Considered	

[illegible]

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/840,181
				Filing Date	May 5, 2004
				First Named Inventor	Steve Herweck
				Art Unit	3761
				Examiner Name	Not Yet Assigned
Sheet	3	of	3	Attorney Docket Number	ATA-395

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C1	Avery Refillable Glue Pen. Retrieved from the Internet: www.staples.com/catalog/browse/sku.asp?pagetype=1&sku=384814 . Retrieved on June 2, 2003.	
	C2	Battelle Healthcare Products, Insulin delivery device, Reusable drug delivery pen. Retrieved from the internet: www.battelle.org/healthcare/html/insulindeliverdevice.stm . Retrieved on May 30, 2003.	
	C3	OIC Liquid Glue Pen, Clear. Retrieved from the Internet: www.staples.com/catalog/browse/sku.asp?pagetype=1&sku=385413 . Retrieved on June 2, 2003.	
	C4	Pentel Brush Glue, 1.7 oz. Retrieved from the Internet: www.staples.com/catalog/browse/sku.asp?pagetype=1&sku=PENERB50M . Retrieved on June 2, 2003.	
	C5	Refillable Glue Pen. Retrieved from the Internet: www.staples.com/catalog/browse/sku.asp?pagetype=1&sku=AVE00331 . Retrieved on June 2, 2003.	
	C6	Tombow Mono Aqua Glue Pen. Retrieved from the Internet: www.staples.com/catalog/browse/sku.asp?pagetype=1&sku=TOM52180 . Retrieved on June 2, 2003.	

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